

Appl. No. 09/910,281
Docket No. CM2492
Amdt. dated July 19, 2006
Reply to Office Action mailed on April 19, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 51, 53, 54, 56-57, 66-68, 76-80 and 84-91 are pending in the present application. No additional claims fee is believed to be due.

Claims 1-50, 52, 55, 58-65, 69-75 and 81-83 are canceled without prejudice.

Claim 51 has been amended. Support for the amendment may be found on pages 35-38, Examples 1-16.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Applicants thank the Examiner for the withdrawal of the rejection of claims 51-54, 56-68 and 72-91 under 35 U.S.C. §101.

Rejection Under 35 USC §112, First Paragraph

The Office Action States Claims 51-54, 56-58 and 72-91 are rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly the levels of the organic solvent system.

Applicants have amended the claims to address the rejection under 35 USC §112, second paragraph and respectfully request that the rejection be withdrawn.

Priority

Applicants thank the Examiner for recognizing that Applicants appear to have previously submitted the certified priority documents as required by 37 CFR 1.55. However, priority continues to be denied. In an effort to move prosecution forward, Applicants submit priority PCT/US00/19619, filed July 19, 2000.

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Rejection Under 35 USC §103(a) Over JP 60-141800 in view of WO 99/24539

Claims 51, 53, 54, 56-59, 61, 62, 64, 68, 72-74, 76-82, 84, 85 and 87 have been rejected under 35 USC §103(a) as being unpatentable over JP 60-141800 in view of WO 99/24539.

Applicants submit that as amended, Claim 51, and claims dependent thereon, is not taught or suggested by JP 60-141800 in view of WO 99/24539. The claimed invention as a whole, specifically the organic solvent system claimed by the present invention in components or in amounts is not suggested by these references to one skilled in the art. There would not be any reasonable expectation of success in arriving at the present invention as a whole.

Neither reference teaches or suggests the use of a three solvent system in the amounts claimed. As such one of skill in the art would not be motivated to combine three solvents to arrive at the claimed invention of the present application.

Rejection Under 35 USC §103(a) Over JP 2000-044990 in view of

JP 141800 and WO 99/24539

Claims 51, 53, 54, 56-59, 61, 62, 64, 68, 72-74, 76-79, 81, 82, 84, 85 and 87 have been rejected under 35 USC §103(a) as being unpatentable over JP 2000-044990 in view of JP 141800 and WO 99/24539.

Applicants submit that as amended, Claim 51, and claims dependent thereon, is not taught or suggested by JP 2000-044990 in view of JP 141800 and WO 99/24539. The claimed invention as a whole, specifically the organic solvent system claimed by the present invention in components or in amounts is not suggested by these references to one skilled in the art. There would not be any reasonable expectation of success in arriving at the present invention as a whole.

None of the references teaches or suggests the use of a three solvent system in the amounts claimed. As such one of skill in the art would not be motivated to combine three solvents to arrive at the claimed invention of the present application.

Rejection Under 35 USC §103(a) Over JP 141800 in view of

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WO 99/24539 or JP 2000-044990 in view of JP 141800 and WO 99/24539

Claim 86 has been rejected under 35 USC §103(a) as being unpatentable over JP 141800 in view of WO 99/24539 or JP 2000-044990 in view of JP 141800 and WO 99/24539.

Applicants submit that as amended, Claim 51, and claims dependent thereon, is not taught or suggested by WO 99/24539 or JP 2000-044990 in view of JP 141800 and WO 99/24539. The claimed invention as a whole, specifically the organic solvent system claimed by the present invention in components or in amounts is not suggested by these references to one skilled in the art. There would not be any reasonable expectation of success in arriving at the present invention as a whole.

None of the references teaches or suggests the use of a three solvent system in the amounts claimed. As such one of skill in the art would not be motivated to combine three solvents to arrive at the claimed invention of the present application.

Rejection Under 35 USC §103(a) Over WO 99/24539

Claims 51, 53, 54, 56-59, 61, 62, 64-68, 72-74, 76-79, 81, 82 and 84-87 have been rejected under 35 USC §103(a) as being unpatentable over WO 99/24539.

Applicants submit that as amended, Claim 51, and claims dependent thereon, is not taught or suggested by WO 99/24539. The claimed invention as a whole, specifically the organic solvent system claimed by the present invention in components or in amounts is not suggested by this reference to one skilled in the art. There would not be any reasonable expectation of success in arriving at the present invention as a whole.

This reference does not teach or suggest the use of a three solvent system in the amounts claimed. As such one of skill in the art would not be motivated to combine three solvents to arrive at the claimed invention of the present application.

Rejection Under 35 USC §103(a) Over JP 141800 in view of

WO 99/24539, JP 2000-044990 in view of JP 141800 and WO 99/24539 or WO 99/24539 and further in view of US 6001789

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Claims 88-91 have been rejected under 35 USC §103(a) as being unpatentable over JP 141800 in view of WO 99/24539, JP 2000-044990 in view of JP 141800 and WO 99/24539 or WO 99/24539 and further in view of US 6001789.

Applicants submit that as amended, Claim 51, and claims dependent thereon, is not taught or suggested by JP 141800 in view of WO 99/24539, JP 2000-044990 in view of JP 141800 and WO 99/24539 or WO 99/24539 and further in view of US 6001789. The claimed invention as a whole, specifically the organic solvent system claimed by the present invention in components or in amounts is not suggested by these references to one skilled in the art. There would not be any reasonable expectation of success in arriving at the present invention as a whole.

None of the references teaches or suggests the use of a three solvent system in the amounts claimed. As such one of skill in the art would not be motivated to combine three solvents to arrive at the claimed invention of the present application.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §112 and 103(a) be withdrawn. Early and favorable action in the case is respectfully requested. Applicants' attorney invites the Examiner to contact the attorney at any time at the phone number below.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 51, 53, 54, 56-57, 66-68, 76-80 and 84-91 is respectfully requested.

Respectfully submitted,

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